

# BC Forest Safety Ombudsman

Impartial, confidential,  
fair & timely

ANNUAL REPORT 2006-07



BC **Forest Safety** Council

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# Introduction

I'm pleased to present my first Annual Report to the BC Forest Safety Council and its Board of Directors. In this report I will describe my work during this important first year, including a summary of the inquiries handled and a description of my first formal review process. I also want to provide some insight into my plans for year two and beyond as I work to establish the Ombudsman's office as a valuable part of building a safety culture in British Columbia's forest industry.

As an office of one, I rely on the assistance and cooperation of many people.

In my first year I received numerous calls from individuals, groups and organizations who felt they had something to offer towards improving safety in the forest sector. These offers came from training organizations, equipment manufacturers, worker support groups and the general public. I want to express my thanks to everyone who offered and provided me assistance and say that I look forward to continuing to work together.

I have also been assisted in my work by staff from government and WorkSafeBC, representatives of forest companies, employer and employee organizations and of course members of the BC Forest Safety Council itself. Again, I offer my thanks for this assistance.



# Summary of inquiries

One of the primary reasons the Ombudsman's office was established was to provide workers and companies with an impartial place to bring forward issues and concerns about safety in the workplace.

In my first year as Ombudsman I received 41 separate requests for assistance (inquiries).

At times I met with larger groups of workers or contractors, who would raise more than one issue. For example, in one instance I met with a group of more than 20 fallers in Black Creek and we discussed a wide range of issues that fallers face in the woods today. In another instance, I met with two contractor groups from Vernon and Prince George who discussed a wide range of topics. When I take part in

meetings such as these I have decided to report them as a single inquiry, although more than one issue may have been raised. Over the course of my first year I participated in four such meetings.

Trying to organize the long list of issues and safety concerns raised through the office was not an easy task. From issues that involved cycle-times, resource roads and worker training to countless others I have attempted to organize the inquiries in a meaningful way into seven topic areas.

The table provided shows the breakdown of cases for each topic as well as the number of cases still active.

## SUMMARY OF INQUIRIES HANDLED BY THE OFFICE

TOPIC	INQUIRIES	ACTIVE CASES
Resource Roads	11	8
WorkSafeBC (WCB)	11	9
Prime Contractor	3	0
Faller Program	7	2
Contractor Relationships	5	5
Stress	2	0
Training	3	0
<b>TOTAL</b>	<b>42</b>	<b>24</b>

SUMMARY OF INQUIRIES

I have included brief descriptions of the types of issues heard in each topic area. I have also provided some additional detail about select cases in a manner that protects the confidentiality of our clients.

**RESOURCE ROADS:** These 11 inquiries involved issues such as cycle-times, road maintenance, hours of work, road construction, funding, jurisdictional responsibility and financial responsibility. Issues related to resource roads were the most active topic in my first year. Of the eleven inquiries received, three cases were referred to the Director of Forestry TruckSafe, while the parties resolved one. The remaining eight active cases represent meetings where more than one issue was raised. In some cases our office has responded to some of the requests we received at those events, but there still remains some unresolved active files. These outstanding cases do not have simple solutions and require the involvement of more than one jurisdictional body. The issues raised concerning cycle-times, resource road jurisdiction, road maintenance and road construction have proved to be very complex. Our office is considering a formal review of resource roads to address these issues.

I addressed this issue in recommendation #2 of our report "Not Out of the Woods."

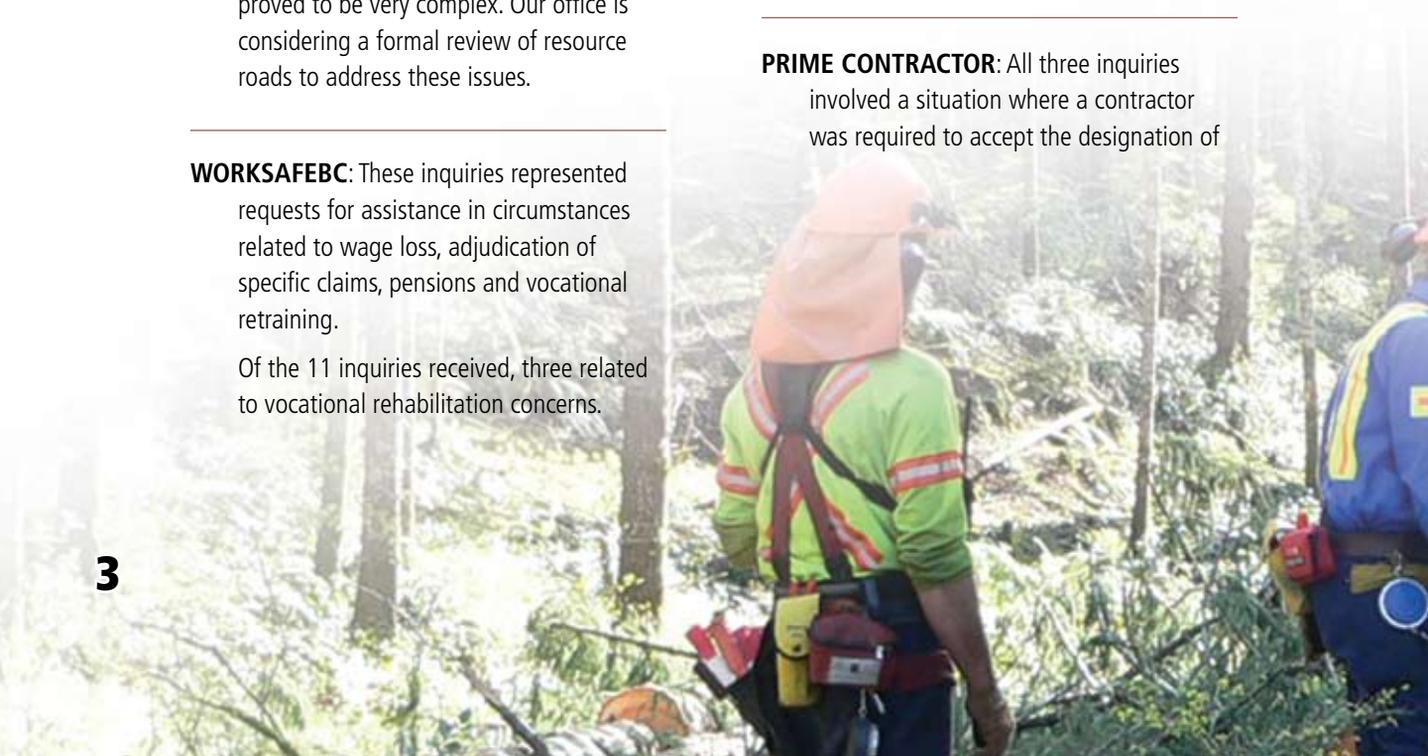
Many of the inquiries received were made by individuals still involved in the WorkSafeBC appeal process and therefore cannot be investigated by our office. Our policy prohibits us from getting directly involved in claims adjudications; our office is not intended to add another layer of appeal. However, for cases involving WorkSafeBC our office is interested in the policies, procedures, regulations and legislation for each case, to determine if the processes that drives the decisions of WorkSafeBC, are fair and are made in the interest of safety.

In circumstances where I feel WorkSafeBC's system is not achieving its objectives, I will be providing commentary on the issues and making recommendations to government or WorkSafeBC where appropriate.

**WORKSAFEBC:** These inquiries represented requests for assistance in circumstances related to wage loss, adjudication of specific claims, pensions and vocational retraining.

Of the 11 inquiries received, three related to vocational rehabilitation concerns.

**PRIME CONTRACTOR:** All three inquiries involved a situation where a contractor was required to accept the designation of



Prime Contractor as a necessary condition of employment.

Early in our first year there was concern that Prime Contractor status was being designated to companies that did not have the resources to fulfill their responsibilities as required by WorkSafeBC.

However, initiatives undertaken by WorkSafeBC in the summer and fall of 2006 have helped provide more clarity around the issue of Prime Contractor status.

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**FALLER PROGRAM:** These seven inquiries related to Faller Certification, New Faller Training, Faller Supervision, first-aid coverage and mechanical harvesting.

The two issues that continue to be active include:

- The coordinating/integration of mechanical and hand-falling activities; and
- The regulations that determine the minimum levels of first-aid coverage.

Both of these issues were raised at a meeting in Black Creek and again at the Western Fallers Association AGM in January 2007 by fallers.

Enquires that involved the Faller Certification Program, Faller Supervision and New Faller Training were addressed in my review in recommendations #3 through #7.

**CONTRACTOR RELATIONSHIPS:** These five inquiries involved disputes between contractors and sub-contractors.

Currently our office is involved in five cases. At this point it is clear to me that safety in the workplace will be difficult to investigate isolated from issues of rates, operating conditions and contractual obligation. It is the policy of our office to not get involved in discussions that concern rates or rate negotiations. Parties to contracts have legal and legislative options they can pursue. My interest in these cases is limited to examining whether those existing regulations and processes provide fair, reasonable and affordable access to all parties.

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**STRESS:** Our office received two inquiries related to issues concerning the management of stress in the workplace. However, over the course of the year, I attended several meetings where workplace stress was identified as a major safety concern. During the interview portion of my review "Not Out of the Woods," the issue of stress became a reoccurring theme in every discussion.

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**TRAINING:** These three inquiries concerned funding, certification; Train the Trainer and availability of training.

Issues related to training were dealt with in my review. Recommendations #8 through #14 are specifically related to training issues.



# Not Out of the Woods

## FIRST REVIEW

From March through July 2006 a number of issues were presented to our office with a request for assistance. As the contributing factors became clearer, it was obvious that their complexity and similarity would not be best served by being examined on a case-by-case basis. To tackle these complex issues, I decided to conduct a full-scale review on training and certification to address many serious issues that I felt impacted the entire industry. My goal was to examine ongoing issues of recruitment, retention, training and certification in the BC forest sector.

The completed review, "Not Out of the Woods," went well beyond the scope of the inquiries our office formally received. The review was the largest and most time-consuming project of our first year. The decision to undertake a formal review was made in order to maximize the resources of the office while also protecting the confidentiality of our clients. My goal was also to raise awareness of issues that have been contributing to unsafe working conditions in the woods.

Using the review mechanism is an example of one of the techniques our office is using to respond to specific enquires that fall outside the traditional mediation/facilitation role. It is an effective way to utilize our resources to investigate and react to issues that involve multiple parties, jurisdictions and legislation.

For a full copy of the review, "Not Out of the Woods," please visit [www.bcforestsafe.org](http://www.bcforestsafe.org). To view the 15 recommendations that came out of the review, please see Appendix I: Review Recommendations.

As we move into our second year, I anticipate the review mechanism will play a greater role towards highlighting safety issues in the forest sector. It is my hope that these large-scale reviews will serve to bring attention, focus and resolution to issues that affect worker safety.



# A campaign of awareness

My first objective as Ombudsman was to engage in an awareness campaign that explained the role of the office as a resource where workers could have safety issues addressed in a confidential manner. It was my intention to visit every region of the province to raise the profile and demonstrate my accessibility to all the forest workers in BC.

To see a list of some of the events I attended throughout the province in my first year please see Appendix II at the end of this report.

In addition to the major events attended, I met with several ad hoc groups who wished to speak with me personally and informally on safety matters. Some of these meetings included:

- Loggers support organizations in the interior and on Vancouver Island; and
- Employees from both WorkSafeBC and BC Timber Sales.

# Setting up the office

## CONSULTATIONS

Before I set out my objectives for the year, I felt it was important to consult with established Ombudsmen who could provide insight into the pitfalls and key success factors when establishing a new Ombudsman function. In addition, I wanted to learn their jurisdictional boundaries to ensure my role would not interfere with processes already in place.

I consulted with the following organizations:

- WorkSafeBC executives as well as the Complaints Office (formerly the Office of the WCB Ombudsman);
- BC Ombudsman; and
- Ministry of Labour and Citizens' Services – Employment Standards Branch.

Meeting with these organizations proved to be extremely valuable towards helping me set up my office and create a strategic plan. In particular, the BC Ombudsman drove home the importance of ensuring that clients understood my role in the forest sector and the services I

would offer to workers and companies. As a result of these consultations, I made enhancing the profile of the office a key first-year objective.

## GUIDING PRINCIPLES

I set out the following operating principles for the office of the Ombudsman:

- Impartiality in all respects, both in practice and in perception of practice;
- Fair and timely process;
- Confidentiality for companies and workers in order to identify real safety problems and find workable solutions to these safety problems; and
- Coordination of action given the number of other organizations involved in safety in BC. In particular the Ombudsman will work closely with WorkSafeBC given its mandate to enhance safety in BC.

## BUILDING THE INFRASTRUCTURE TO SUPPORT THE OMBUDSMAN'S PRINCIPLES

My initial consultations helped set a clear direction for the Forest Safety Ombudsman, and I worked to establish the necessary infrastructure required to run a successful Ombudsman's office.

I put in place the following important frameworks:

- A detailed Issue Review Process;
- Comprehensive Policies and Procedures;
- Issue Intake Monitoring Protocols; and
- Terms of Reference.

I felt it was necessary to have built a solid foundation for the office to fall back on. Due to the nature of the position and our industry, this office's actions are scrutinized and examined by the public and media alike. My intention was to ensure there were solid procedures in place that ensured the Ombudsman would operate in a manner consistent with its four principles and as an agent of positive change for safety.

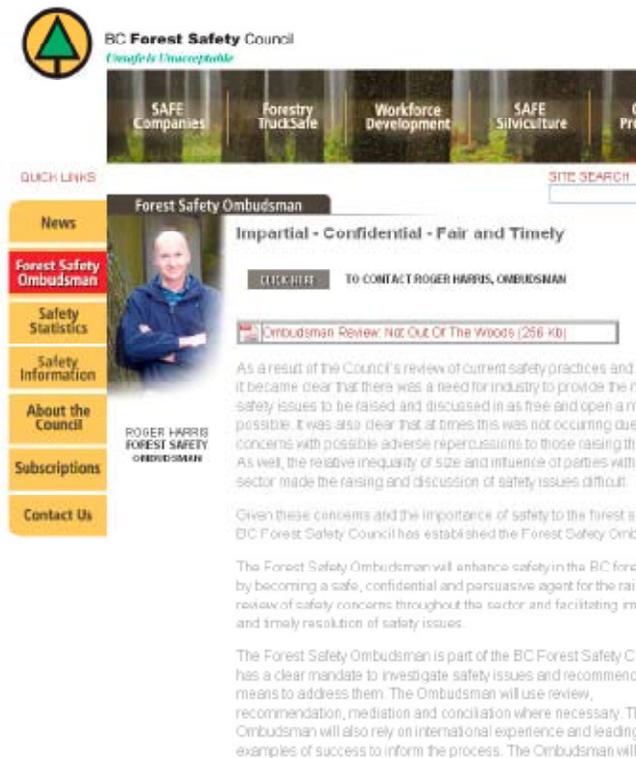
## ENSURING ACCESSIBILITY

I believe the success of an Ombudsman's office is measured by its ability to help the people it pledges to serve. As such, I need to make certain everybody that wanted to contact me could do so in a confidential and timely manner. Individuals can use three methods to access services of the Ombudsman:

These are:

1. Through the Ombudsman's website by way of email (pictured right);
2. By calling a toll-free number – 1.877.577.7766; or,
3. Contacting me to arrange a face-to-face meeting.

My policy has been to meet with anyone who requires my services and requests a face-to-face meeting. I think that it is important for every inquiry to be responded to by me personally.



# Looking ahead to year 2

As I reflect upon the year I realize how far the office has come in such a short time. Creating an Ombudsman's position within the forest sector has been a challenging and rewarding endeavor. Since the release of my review, the profile and subsequent number of calls, emails and requests for assistance have been steadily increasing. As we gear up for a second year, I look forward to new challenges and helping to improve safety in the woods.

In my second year I have set the following objectives for the Ombudsman's office:

- Attending all of the Associations AGMs, industry safety conferences, community events and trade shows;
- Develop a case-tracking tool to assist with managing the steadily increasing number of cases handled by the office;
- Establishing open channels of communication with legal and technical professionals whose expertise may be called upon in certain case investigations;
- Conducting one or two full-scale reviews. Currently, the number of cases and breadth of issues surrounding resource roads are increasing in complexity to the extent that a review would be the best mechanism to address them;
- Developing a more effective relationship between my office and WorkSafeBC will continue to be a goal in year two. Last year I was encouraged by the open channels of communication offered by

the WorkSafeBC staff I dealt with, but sometimes frustrated by the complexity of this large organization. My office has taken great care not to become an active participant in individual cases as they make their way through the adjudication and appeals process, beyond assisting workers to locate appropriate WorkSafeBC contacts. This office will not become another level of appeal for WorkSafeBC decisions. However, I can and will work to provide informed comments on the processes WorkSafeBC uses and whether those processes have an impact on worker health and safety; and,

- Evaluating the need for additional staff support to assist with the investigations and research required to ensure our service remains timely and effective.

As I conclude my first year it has become apparent that the Ombudsman's traditional role as a mediator/facilitator as envisioned by the BC Forest Safety Council will evolve beyond these functions. As issues continue to become more complex the use of formal reviews, commentaries/statements and sectoral reports will be utilized to make recommendations where appropriate.

The confidentiality of individuals, businesses and organizations is an important cornerstone of this office. By using a broader review format it will allow our office to deal with multi-jurisdiction issues in a way that protects privacy and maintains the integrity of the office.

# The need for an ombudsman

As a result of the Council's review of current safety practices and concerns, it became clear that there was a need for industry to provide the means for safety issues to be raised and discussed in as free and open a manner as possible.

The Office of the Forest Safety Ombudsman was established to create a safe, confidential and persuasive agent for the raising and review

of safety concerns throughout the sector and facilitating impartial and timely resolution of safety issues.

The Forest Safety Ombudsman is part of the BC Forest Safety Council and has a mandate to investigate safety issues and recommend the best means to address them. The Ombudsman will use review, recommendation, mediation and conciliation where necessary.



## ABOUT ROGER HARRIS

BC's first Forest Safety Ombudsman is Roger Harris. Roger Harris has experience in many areas of the forest sector. He has worked as a dishwasher in a logging camp, been a board member for a Local of the IWA and has owned and operated his own phase logging contract business.

Harris knows firsthand the importance of safety and the impact that injuries and fatalities can have on workers and their families. In 1986 while working as a falling contractor, his right hand was nearly severed when his chainsaw kicked back. His brother-in-law was killed in a forestry accident at age 18.

"I have a passion for the woods becoming a safe place because I've been there. I've lived the worst side of it, but I think it's still the greatest occupation in the world. I want the Ombudsman's office to be a vehicle that deals with issues before we have incidents."

— ROGER HARRIS

# Appendix 1

## RETRAINING

1. The Auditor General, as part of his review of safety in the forest sector, should consider the mandate of WorkSafeBC and the need to establish a new and more collaborative approach with other agencies for those workers who should not necessarily be encouraged to return to their original position.
2. The Auditor General should also review current WorkSafeBC requirements and procedures to consider, as part of worker rehabilitation, that the potential for retraining workers for positions within the forest sector meets the objectives of injured workers as well as industry.

## FALLER TRAINING

3. The provincial government, through the Ministry of Advanced Education, should incorporate the New Faller Training Program into the advanced education system and financially support the program in the same manner other trades certification and pre-apprentice programs receive financial support.
4. The current falling and bucking curriculum should be reviewed by industry stakeholders to ensure that the course material being offered aligns with industry and faller-trainee objectives.
5. WorkSafeBC and the BC Forest Safety Council should develop a specific chainsaw training program for those industries that do not require full Faller Certification, but should require some form of chainsaw certification in order to fall and buck timber safely.
6. The BC Forest Safety Council should give consideration to Train the Trainer programs

so that industry sectors have the ability to train their own personnel. This is especially important for fire fighting crews where there is a need to provide in-house training that incorporates chainsaw certification with other aspects of fire fighting training.

7. The BC Forest Safety Council should move quickly to close the loop on the Supervisor Training curriculum by putting in place a formal evaluation program.

## LOG TRUCK DRIVER TRAINING

8. The BC Forest Safety Council should develop a province-wide competency certification model for the drivers employed in the forest industry. The certification program could operate in the manner of a "passport," a series of endorsements qualifying drivers to operate in specific areas of the industry, over and above the basic Class 1 requirements for commercial drivers. Over time, the BC Drivers Abstract should be used to track individual driver endorsements.
9. Any changes that recognize a formal endorsement and competency rating should be included in the SAFE Companies Audit.
10. As the forest industry shares the highways with every other resource industry and the general public, the Council should engage the other major resource industry groups, ICBC and the BC Trucking Association, to develop a provincial approach to a truck driver competency/endorsement model.

## NON-CERTIFIED TRADES TRAINING

11. The BC Forest Safety Council should take the lead, working with industry, to identify and develop industry definitions of the

- non-certified trade job classifications and functions within the forest harvest sector.
12. The BC Forest Safety Council should take the lead in developing a standard competency/endorsement model for each of the job classifications.
  13. The provincial government, through the Ministry of Advanced Education, should incorporate all of the non-certified training programs into advanced education curriculums and resource them in the same manner it supports other industry trades training.
  14. The BC Forest Safety Council, working with industry, should develop the front-end training curriculum that would be delivered through an accredited, post-secondary educational institution or private/industry training facility.
  15. The BC Forest Safety Council should take the lead, working with forest industry stakeholders, to hold a stakeholder meeting to deal specifically with stress in the workplace.

**STRESS AND SAFETY**

# Appendix 2

**MAJOR EVENTS ATTENDED AS PART OF THE AWARENESS CAMPAIGN**

DATE	LOCATION	EVENT/CONFERENCE
April 2006	Kamloops	Interior Logging Association AGM
April 2006	Kelowna	Council of Forest Industries Annual Convention
April 2006	Victoria	Government and Opposition MLA's
May 2006	Rosland	BC Lumber Manufacturers Association board meeting
May 2006	Terrace	BC Timber Sales regional meeting
May 2006	Courtney	Truck Loggers Association AGM
May 2006	Parksville	Vancouver Island Safety Conference
May 2006	Houston	Lakes District Truckers Association
May 2006	Terrace	North West Loggers Association Summit
June 2006	Prince George	Central Interior Logging Association, Forest Expo
November 2006	Prince George	First Nations Trucking Event
November 2006	Comox	Steelworkers Local 1-2171
November 2006	Vernon	Interior Logging Association board meetings
January 2007	Prince George	Western Silvicultural Contractors' Association AGM
January 2007	Vancouver	Truck Loggers Association Convention
January 2007	Nanaimo	Western Fallers' Association
February 2007	Fort St. John	Meeting with Contractors and Licencees



## BC Forest Safety Council

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